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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,540	08/29/2001	John Raymond Arthur	DEE6270P0180US	1886

7590 09/03/2002
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EXAMINER

PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/945,540

Applicant(s)
Arthur et al.

Examiner
Dennis H. Pedder

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3612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 5, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 29, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

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DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claim ~~7~~, rear deck region, and claims ~~12~~, ~~15~~, and 17. ✓
W.D. 2/11/11

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the structure of claims 8, 12, 14⁷ (step), ~~15~~, and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. ✓

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim is confusing in "features for storage forming window and door sealing surfaces". Such structure is not apparently disclosed in this application.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 4-5, 7, 11-12, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor.

Taylor discloses the utility vehicle with chassis and integral floor and fender structure 1 comprising a reinforced composite plastic material. The fender structures are seen to the outside of seating platform 7. For applicant's edification, the term "integral" is not limited to --one-piece--.

As to claim 4, Taylor has two such platforms.

As to claim 5, see foot areas 3 and rail portions formed by a bent section of the floor along the seating platforms, extending into the foot areas.

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As to claim 7, see deck region 11.

As to claim 11, Taylor uses upper and lower layers of resin with a fiberglass layer sandwiched therebetween.

As to claim 12, Taylor molds a polyurethane layer atop the resin.

As to claim 16, see recessed area 14, useful for whatever is desired to be stored.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3, 8-10 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Taylor.

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"RIM" is deemed to be a process step, not given patentable weight in a product claim (MPEP 2113).

As to claim 8, the upper layers of Taylor are composite plastic.

9. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Richards.

It would have been obvious to one of ordinary skill in the art to provide in Taylor portions of the fenders for mounting to body/frame isolation mounts as taught by Richards at figures 8 and 9.

As to claim 13, the frame of Richards is steel and the frame disclosed by Taylor is steel as is common knowledge in this art.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor.

Taylor has features 5,6 for controls and steering column and surface 3 as step. Battery and fuel tank mounts are common knowledge in this art and not the proper subject for a patentable distinction.

11. Claims ~~15~~, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Bonnett et al..

Claim 17 is not understood, but treated upon art as best understood. It would have been obvious to one of ordinary skill in the art to provide in Taylor an extended fender reinforcement to extend across the sill for mounting carpet or flooring material and a window opening at rear of

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floor in combination with a door sill above as taught by Bonnett et al. in order to seal door and window.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Makita is cited to show the fender/wheel relationship of Taylor. Messerschmitt is cited to teach integral control mechanisms. Nelson is cited to show another plastic floor cab. Simplecan is cited to show further fender/frame mounts.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Pedder whose telephone number is (703)308-2178. Fax amendments to expedite handling should be sent to (703) 305-7687.

DHP

August 14, 2002



Dennis H. Pedder
Primary Examiner
Art Unit 3612

8/14/02